SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1903.

No. 496.

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1 United States circuit court of appeals, sixth circuit.

MAGGIE A. BRADFORD
vs.
SOUTHERN RAILWAY CO.
} Writ of error to western district of Tennessee.

This was an action of tort. The plaintiff was a citizen of Tennessee and the defendant a corporation organized under the laws of Virginia. The jurisdiction of the court below was wholly dependent upon diversity of citizenship. There was a jury and verdict against the plaintiff in error and a judgment accordingly.

The plaintiff in error sued out this writ of error and has lodged with the clerk of this court, within the time required by law, a full transcript of the record in the court below. The clerk refusing to docket same unless the plaintiff would deposit with him the sum of thirty-five dollars, as security for taxable costs as required by rule 16 of this court, the plaintiff has filed her petition, duly verified, praying to be allowed to prosecute her writ in forma pauperis, and that the clerk be required to docket said transcript and that the rule requiring a deposit to cover costs be dispensed with. The petition shows a state of facts which entitle the plaintiff to prosecute her writ of error as a poor person, provided the act of July 20, 1892, 27 Statutes at Large, 272, applies to appellate proceedings.

Because this court has doubts as to whether the act of Congress above mentioned applies to appellate proceedings, it is ordered that the foregoing statement be certified to the Supreme Court and the instruction of that court be requested for the proper decision of the following questions which arise upon the petition and motion of the plaintiff in error.

1. Does the act of July 20, 1892, 27 Statutes at Large, 272, providing when a plaintiff may sue as a poor person, apply to the prosecution of a writ of error from this court?

2 2. If that act of Congress does not apply to appelate proceedings, has this court any authority to permit the prosecution of a writ of error in forma pauperis?

HORACE H. LURTON,
HENRY F. SEVERENS,
J. K. RICHARDS,
Judges of the United States Circuit Court of Appeals for the Sixth Circuit.

JUNE 5, 1903.

3 United States circuit court of appeals for the sixth circuit.

UNITED STATES OF AMERICA,
Sixth Judicial Circuit, ss.:

I, Frank O. Loveland, clerk of the United States circuit court of appeals for the sixth circuit, do hereby certify that the foregoing certificate and statement of facts in the case of Maggie A. Bradford *vs.* Southern Ry. Co., was duly filed and entered of record in my office by order of said court, and as directed by said court the said certificate is by me

forwarded to the Supreme Court of the United States for its action thereon.

In testimony whereof, I have hereunto subscribed my name, and affixed the seal of said court, at the city of Cincinnati, Ohio, this 6th day of June, A. D., 1903.

[SEAL.]

FRANK O. LOVELAND,
Clerk of United States Circuit Court of Appeals for the Sixth Circuit.

(Indorsed:) United States circuit court of appeals for the sixth circuit. Maggie A. Bradford *vs.* Southern Railway Company. Questions certified to the Supreme Court of the United States. Received office of the clerk Supreme Court U. S., Jun. 8, 1903.

(Indorsement on cover:) File No. 19147. U. S. circuit court of appeals, sixth circuit. Term No. 496. Maggie A. Bradford *vs.* Southern Railway Company. (Certificate.) Filed December 1, 1903. File No. 19147.

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